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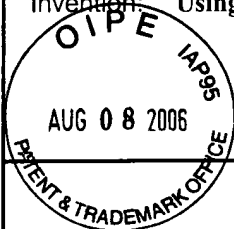
TRANSMITTAL OF APPEAL BRIEF (Large Entity)

Docket No.
ITL.0250US

In Re Application Of: Yue Heng Xu

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/409,366	September 30, 1999	Sy D. Luu	21906	2174	5274

Invention: Using Two Electronic Programming Guides



COMMISSIONER FOR PATENTS:

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on
June 6, 2006

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Timothy N. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
1616 S. Voss Road, Suite 750
Houston, TX 77057
713/468-8880 [Phone]
713/468-8883 [Fax]

Dated: August 4, 2006

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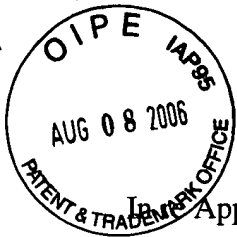
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Nancy Meshkoff

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Yue Heng Xu

Serial No.: 09/409,366

Filed: September 30, 1999

For: Using Two Electronic
Programming Guides

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Art Unit: 2174

Examiner: Sy D. Luu

Atty Docket: ITL.0250US
(P7475)

Assignee: Intel Corporation

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APPEAL BRIEF

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Nancy Meshkoff

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REAL PARTY IN INTEREST

The real party in interest is the assignee Intel Corporation.

RELATED APPEALS AND INTERFERENCES

Appeal No. 2003-1952, decision mailed on October 14, 2004, in this case.

STATUS OF CLAIMS

Claim 1 (Rejected).

Claim 2 (Canceled).

Claims 3-14 (Rejected).

Claims 15-30 (Canceled).

Claims 31-32 (Rejected).

Claims 1, 3-14, and 31-32 are rejected and are the subject of this Appeal Brief.

STATUS OF AMENDMENTS

All amendments have been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

In the following discussion, the independent claims are read on one of many possible embodiments without limiting the claims:

1. A method of implementing an electronic programming guide through a program receiver comprising:

providing access to a first electronic programming guide with a first set of program selections (Figure 7, 122, specification at page 12, lines 13-17);

providing access to a second electronic program guide with a second set of program selections wherein said second set of program selections is substantially more extensive than said first set of selections (Figure 7, 126, specification at page 12, lines 18-21); and

enabling a user to select programs for viewing on said receiver from said first and second electronic programming guides (Figure 7, 128, 132, specification at page 12, lines 22-24).

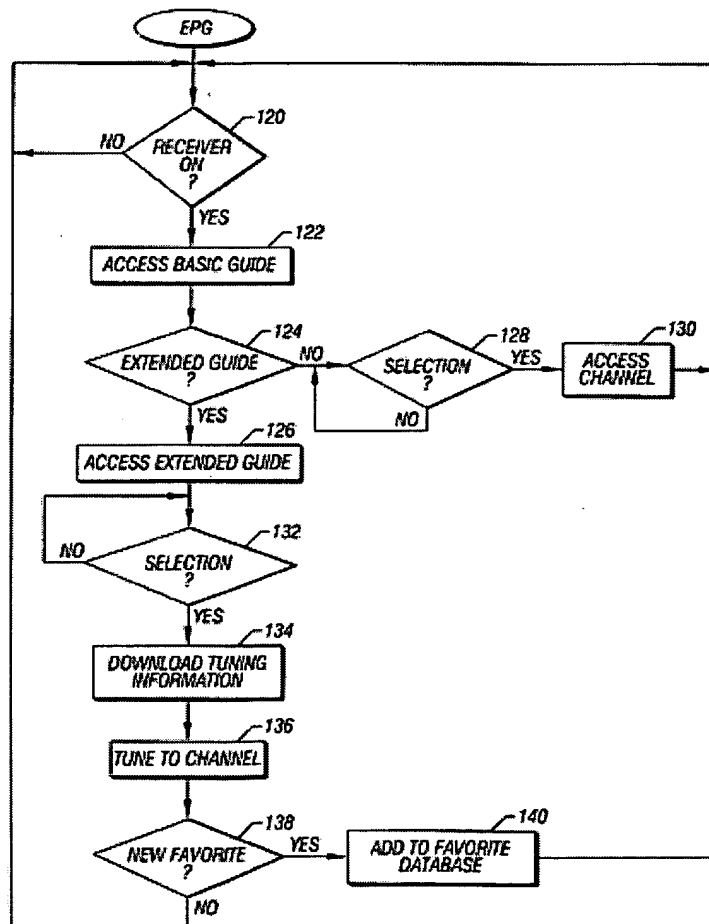


FIG. 7

10. An article comprising a medium for storing instructions that cause a processor-based system to:

- provide access to a first electronic programming guide with a first set of program selections (Figure 7, 122, specification at page 12, lines 13-17);
- provide access to a second electronic program guide with a second set of program selections wherein said second set of program selections is substantially more extensive than said first set of selections (Figure 7, 126, specification at page 12, lines 18-21); and
- enable a user to select programs for viewing on said receiver from said first and second electronic programming guides (Figure 7, 128, 132, specification at page 12, lines 22-24).

At this point, no issue has been raised that would suggest that the words in the claims have any meaning other than their ordinary meanings. Nothing in this section should be taken as an indication that any claim term has a meaning other than its ordinary meaning.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

- A. Do claims 3-6, 9, and 11-12 fail to particularly point out and distinctly claim the subject matter of the invention?**
- B. Are claims 1, 3, 7-8, 10, and 13-14 anticipated by Stautner?**
- C. Are claims 4-6, 9, 11-12, and 31-32 unpatentable over Stautner in view of Boyer?**

ARGUMENT

A. Do claims 3-6, 9, and 11-12 fail to particularly point out and distinctly claim the subject matter of the invention?

In the Response to Final Rejection, it is believed that the claim amendments overcome the objection. It is possible that the examiner failed inadvertently to take note of those changes. For example, in claim 3, “the first medium” was changed to “a first medium”. It is not believed that there could be any possible antecedent basis problem. Similar changes were made in claims 4, 11, and 12. Thus it is believed that these objections have been overcome.

Therefore the rejections should be reversed if maintained.

B. Are claims 1, 3, 7-8, 10, and 13-14 anticipated by Stautner?

Claim 1 calls for providing access to a first electronic guide with a first set of program selections and providing access to a second electronic program guide with a second set of program selections, wherein the second set of program selections is substantially more extensive than the first set of selections. Clearly, then, at a minimum, a Section 102 rejection would have to be based on a reference that shows two different electronic programming guides.

The cited reference under Section 102 to Stautner teaches only one program guide. This is explicitly admitted in the fourth paragraph of the advisory action. It is apparently assumed that Figures 2 and 5 are selectable electronic programming guides. This is not the case. Instead, Figures 2 and 5 constitute two separate embodiments. There is no ability to select between Figures 2 and 5. That is, there is no feature that enables the selection between the two.

It is clear that it is contemplated throughout the patent that there is only one database and one program guide. For example, column 4, line 9, refers to “a database.” Column 4, line 64, talks about “the program guide.” Column 5, line 4, talks about “the integrated content guide.”

The material referring to Figure 5 is titled Integration of Multiple Sources. See column 7, line 15. In discussing this integration, it is explained that “the content guide of this invention provides a single point of entry to multiple sources.” Thus, the reference is explicit that only a single point of entry (i.e., a single content guide) is provided.

The suggestion that the reference somehow teaches selecting between the content guides of Figures 2 and 5 is unsupported. The material cited in column 4, lines 58-60, has nothing to do with selecting between the content guides of Figures 2 and 5.

Therefore, the rejection should be reversed.

C. Are claims 4-6, 9, 11-12, and 31-32 unpatentable over Stautner in view of Boyer?

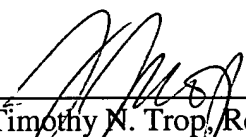
Claims 31 and 32 are dependent claims that call for accessing program guides on two different websites. Thus the claims require that different program guides be maintained on two different websites. None of the cited references teach any such thing. Neither reference suggests different programming guides on different websites and then accessing them in accordance with the method of claim 1 or the article of claim 10.

Therefore the rejection should be reversed.

Applicant respectfully requests that each of the final rejections be reversed and that the claims subject to this Appeal be allowed to issue.

Respectfully submitted,

Date: August 4, 2006



Timothy N. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
1616 S. Voss Road, Suite 750
Houston, TX 77057
713/468-8880 [Phone]
713/468-8883 [Fax]

Attorneys for Intel Corporation

CLAIMS APPENDIX

The claims on appeal are:

1. A method of implementing an electronic programming guide through a program receiver comprising:
 - providing access to a first electronic programming guide with a first set of program selections;
 - providing access to a second electronic program guide with a second set of program selections wherein said second set of program selections is substantially more extensive than said first set of selections; and
 - enabling a user to select programs for viewing on said receiver from said first and second electronic programming guides.
3. The method of claim 1 wherein providing access to a first electronic programming guide includes providing said first electronic programming guide over a first medium that also provides the program selections.
4. The method of claim 3 further including providing electronic programming guide information back to the receiver through an Internet without providing program content.
5. The method of claim 1 further including automatically coupling the user to an Internet upon receiving a request for access from the user.
6. The method of claim 5 wherein automatically providing access to an Internet includes automatically accessing the Internet.
7. The method of claim 1 including enabling the user to program which program selections are provided in the first electronic programming guide.

8. The method of claim 1 including automatically providing said first electronic programming guide and providing said second electronic program guide in response to a user request.

9. The method of claim 1 further including providing tuning information to said receiver over an Internet.

10. An article comprising a medium for storing instructions that cause a processor-based system to:

provide access to a first electronic programming guide with a first set of program selections;

provide access to a second electronic program guide with a second set of program selections wherein said second set of program selections is substantially more extensive than said first set of selections; and

enable a user to select programs for viewing on said receiver from said first and second electronic programming guides.

11. The article of claim 10 further storing instructions that cause a processor-based system to automatically couple the user to an Internet upon receiving a request for access from the user.

12. The article of claim 11 further storing instructions that cause a processor based system to automatically access an Internet in a response to request for access to a second medium.

13. The article of claim 10 further storing instructions that cause a processor-based system to enable the user to program which program channels are provided in the first electronic programming guide.

14. The article of claim 10 further storing instructions that cause a processor-based system to automatically provide the first electronic program guide and second electronic program guide in response to a user request.

31. The method of claim 1 including providing access to program guides on two different web sites.

32. The article of claim 10 further storing instructions that cause a processor-base system to provide program guides on two different web sites.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.